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Mr. Rymer

OF THE

Antiquity, Power & Decay

OF

PARLIAMENTS,

&c.

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OF THE

Antiquary Tower & Doss

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Antiquity, Power & Decay
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PARLIAMENTS.

Being A
General VIEW
OF
Government, and Civil Policy,
In *EUROPE:*

With Other
Historical and Political Observations,
Relating thereunto.

By THO. RYMER, Esquire,
Late Historiographer-Royal.

Dimidium plus toto.
-----*Medium non deserit unquam*
Cæli Phœbus iter, radiis tamen omnia lustrat. Claud.

LONDON: Sold by J. Roberts, near the Oxford-
Arms in Warwick lane. 1714.

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Annuity, Power & Decay
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PARLIAMENTS
A
General View

OF
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Historical and Political Observations
By the Author of the

By the Author of the
Lectures on the

Printed by J. Baskin, at the



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 PARLIAMENTS,
 &c.

SIR,



SEE the Effect of your Com-
 mands. The Want of Time,
 of Books, and Assistance, in
 this my Retirement, make me
 very incapable of the Under-
 taking. But my Obedience
 and Performance with a Kid, will I hope be
 accepted, when I cannot sacrifice an hundred
 Bulls.

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Without farther Ceremonies or Introduction, according to my Apprehension, when we enquire into the *Authority and Nature of Parliaments*, our Thoughts should be raised above all Prejudice and Particularities; we should not conceive of them, as of some *Creature* form'd and nourisht under this or that Constitution, but have a Notion as large and general, as is that of *Government or Civil Society*.

We must not be confin'd to the Writers of this or that Age, or Countrey; but consult the Universal Reason and Sense of Human kind, where Civil Government has been exercised.

Much less is any particular Profession or Faction of Writers, to be the only Authors of Credit with us, in this Enquiry.

Our Knowledge must be something digested; and an impartial Result from a Consideration of all, as well Times and Countries, as Writers and Customs.

The *Civilians*, with their *Bartolus* and *Baldus*, are not to dictate to us on this Occasion. These were bred out of the Corruption of the *Roman Liberty*; and were Instruments of Servitude from the beginning. Their work was, by *hook and crook*, to rap and bring all under the Emperor's Power; that was their Study,
that

that their Province. But they were always ignorant of the Practices of better Times, and utter Strangers to the just Rights of a *Free-People*; their Rules and their Maxims were, in effect, no other, than so many Stripes, so many Marks, and Items of Slavery to the Subjects.

Then for the *Municipal Lawyers* of every Nation, they also are educated under too narrow a Dispensation to think justly in these matters.

The *Letter* is the Sphere where they show their Activity, even, sometimes, to the perverting and turning it against the Reason and Intentions of the Legislator.

Their small Niceties, and their Subtleties, and their Inferences, are too fine drawn to bear or support a matter of this Weight and Circumference.

Their Deductions and Argumentations must ever be taken with some Grains of allowance; the Cause here requires other Forms and Considerations. We are not to *stick at the Letter*, but go to the *Foundation*, to the Inside and Essence of things.

By their Acquaintance with the Customs and Laws, they may aid and direct, but not over-rule; they may apply their Observations to strengthen the Fundamental Reason, but are
not

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not to perplex and subvert the *Form of Government*.

My Lord *Coke* tells us, *Parliament* is derived from *Parler le ment*, i. e. from *speaking the Mind*. He might as honestly have taught us that *Firmament* is *Firma mentis*, a *Farm for the Mind*; or *Fundament*, the *Bottom of the Mind*.

My Lord *Coke*, how sage soever otherwise, in *Parliament-house* is of no more Authority than *Thomas Aquinas*.

And take him from his ordinary Element, his Reasons are many times as ridiculous as his Etymologies.

Then for the *Holy Scripture*; the Design of it is no more to teach us Politicks, than to make us Philosophers.

Ahaz's Dial is no Precedent for our Time or Measures; nor may the *Theocracy* of the *Jews* authorize us to set up for King *Jesus*.

Our Blessed Saviour did not distinguish whether *Cesar* demanded Tribute, as Tribune and Servant of the People; and whether the *Roman Empire* remained still *Democratical*, (as *Cesar* pretended) or was *Monarchical*, as, in effect, it prov'd.

The Holy Ghost neither alter'd the Complexion, nor refin'd the Education; but a
Shepherd

Shepherd, notwithstanding the Oracles he delivered, continued the same in other circumstances, as if he never had been inspir'd.

In like manner, where-ever *Christ* is Preach'd, the Soul-saving Doctrine in no wise operates upon the Policy of Civil Constitutions; but leaves those Affairs to be influenc'd by their ordinary Prudence and Discretion.

Whether it be some particular Generosity in our Nature, that renders us impatient of Slavery: Or, whether the Temperateness of the Climate inclines us to a Moderation in our Government: Or, whether it may be some favourable Aspect of the Planets, (as *Ptolomey* would perswade us) that disposes *Europe* to the *Love of Liberty*.

So far as any Record or History can inform us, That Arbitrary and unlimited Domination (so familiar in the Eastern parts of the World) amongst us did always shew uncouth, and to be stared upon no less than their Elephants. And indeed to us seem altogether inconsistent with a Civil People.

And it can be no more the business of the Gospel to reconcile us to that Yoke, than it is to emasculate our Complexion and Nature, to change the Temper of our Climate, or to turn our Stars from their Course.

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All Power is from God, and, we are to be subject to the Higher Powers; this all consent to; this is Doctrine alike true in Holland as in France, at Venice as at Constantinople.

But where this high Power and Sovereignty rests, in whom 'tis lodged, this is a Point not so obvious: Nor can the S. S. or Holy Fathers any way help us in the Discovery.

The Customs and particular Laws of every Nation, are only capable to direct us in that Scrutiny.

Obedience is as much a Duty, and Rebellion as black a Sin where the People are King, as where a single Person has the Sovereign Sway.

The Title of *King, Monarch, or Emperor*, the *Scepter, the Crown, the Royal Throne*, with all the Robes and Pomps, and Badges of Sovereignty; and the Precedence before other Christian Kings, have the Shadow of Majesty, but have none of the Substance, as *Bodin* truly observes.

The *Cæsars* were never so absolute, as when the Senate had the Show, and the Name of all. But afterwards when their Power declin'd, then did their Shadows lengthen, and their Titles swell beyond all Sobriety and Proportion.

The

The *French Parliaments* in their *Scarlet Robes*, know none of that *Sovereign Power* which their plain Ancestors so long had exercised in their *Grey Jackets*.

The *Pontificalibus* and *Formality*, derogates from the *Antiquity* and *Independency*. And our *House of Commons* may seem in a manner, (if I may so say) to have committed some kind of *Solecism*, in taking a *Mace* to be carry'd before them; but that their *Simplicity* and *Plainness* otherwise sufficiently demonstrates them the *true, sincere, original, fundamental Common Council*, constituted and form'd before *Forms* and *Pageantries* and *Fopperies* obtain'd in our *English World*.

For *Badge* and *Ornament* they had *Jupiter's Scepter*; which *Plato* interprets to be, not a *tipt Battoon*, or *glittering engraven Thing*, but, the *Laws* and *Legislative Power*.

Homer has taught the *World* to call *Kings* *Pastors* of the *People*. We commit not the *Charge* of our *Cattle* to any one of the *Herd*; nor for our *Sheep* do we chuse one out of the *Flock* to be their *Shepherd*; but set over them a more excellent sort of *Animal*, some *Man* is appointed for the *Neatherd*, and for the *Shepherd*, to govern and take the *Charge* of them.

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Now since, for the Conduct and Sway over Men, the World is not furnisht with any Species more noble than Man, Art supplies what was wanting in Nature; an artificial Man is fram'd, a Politick Creature, a King that never dies, that can do no wrong, that cannot be deceived, whose Councils and Determinations are the Result of the joynt Experience and Wisdom of a whole Nation.

Now whether this *Artificial*, may be call'd a *mixt sort of Government*, as the Antients imagin'd. Or that it be originally, essentially, and fundamentally a *Democracy*, Monarchical in the Administration, as *Bodin* and our Modern Politicians seem to understand. This certainly is the *Government* that always has obtain'd in *Europe*; and that which all, amidst their Commotions, Distractions, and Convulsions, in some manner or other, with more or less Success and Perfection, have tended to, as the Center, and only *Place of Rest*.

If therefore the *Jews* had desired a King after the manner of the *Europeans*, their Importunity peradventure might not have been so provoking to the Almighty; and we should have found another kind of Catalogue of their fair Qualities, than that delivered us by the Prophet. For however their *Asian* or *African* Neighbours might have domineer'd it, and bluster'd; a calmer Gale was always wont to
breath

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breath amongst us in *Europe*. And (God be thank't) we are many degrees Northern Latitude from *Og* the King of *Bashan*, and the Lands of those other Giants, *Amalekites*, and *Philistines*.

The first Writers amongst us had their Imaginations so overborn with the *Excellency of Kingly Government*, that they fancied in Heaven *Jupiter* to be the *King of the Gods*. And yet they thought the Common Council so necessary and essential, that *Homer* represents even *Jupiter*, upon a great occasion, calling his θεῶν ἀγορὴν, his *Parliament of the Gods*.

Ζῆς ὃ θεῶν ἀγορῶν ποιήσατο τερπικέραυνθ.

Ἀκροτάτη κορυφῇ πολυδαιρέδθ ἐλύμποιο.

I have heard Divines observe something of this kind, as figured of God Almighty from those words, *Let us make Man*. Those words in the plural number to them seemed to import, as if God summon'd a *Parliament of the Trinity*, to consult upon that arduous affair.

Our Christian Poets have taken the same Liberty, and fancied this, as an Image of Greatness, where could be no Accession to the Wisdom and Omnipotence.

But again, *Homer* (whom *Plato* in his Book of *Laws*, mentions as a Prophet, and one who reveals those things concerning Government,

by

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by Inspiration, which are not by humane Knowledge to be attain'd) to shew the utmost Inhumanity and Barbarity of the *Cyclopes* and their Government, tells us, *They neither held Parliaments for Council, nor had Right.*

Τοῖσιν ἔδ' ἀγρόεσι βεληρόεσι, ἔδε δέμισεσ.

He joyns *Parliament* and *Right*, as of late days *Guicciardine* does *Parliament* and *Liberty*; as if *Parliament*, *Right*, and *Liberty*, were to stand and fall together.

And indeed amongst the *Greeks*, how many Persons, excellent otherwise, have been branded for Tyrants and Monsters, and made odious to all Posterity, because they affected a more singular and unbounded Power than was consistent with the Customs and Constitutions of their Country?

Nor was this Policy less known or practic'd by the *Latines*. None of the antient Kings of *Italy* and *Rome* exercis'd other Government than by *Parliament*, till *Tarquin* the Proud, with much Stratagem and Artifice, attempted a new way; but how fatal did he find that Innovation?

Afterwards that the *Cæsars* usurped the Empire, when their Power was the highest, they affected to have all done in the Name of the People and Senate. *Neque tam parvum quicquam*

quam, neque tam magnum publici privatique negotii, de quo non ad Patres Conscriptos referrebat.

And notwithstanding the antient Liberty and Government was so run down; yet, on some occasions, the *Authority of the Senate* would be exerting it self.

They declared *Nero* an Enemy of the State, and their Sentence had its effect.

Nor could (the Delight of Humane kind) *Titus*, though so far engaged in Love and Honour, stem the Authority of the Senate, in favour of his dear *Berenice*; but was forc'd to dismiss her, because they forbade the Bans.

And in effect, the Power of the Senate once gone, that of the Emperors signified little; the giddy Souldiers broke all Rules and Measures. They mutiny'd, and made and unmade Emperors, where, and when, and whom they had a mind to. So that the Emperor was only Tenant at will to the Army.

Our Botchers of History, shew a jolly Succession of Monarchs on their file for *Britain* in those days. But *Cæsar's* Commentaries are of much better Credit, who represents the Government of *Gaul* and *Britain*, as much what the same in his time; says he of *Britain*, *Summa Imperii bellique administrandi Communi Consilio permissa est Cassivellano*, &c. The chief Command and Conduct of the War, was by the Common Council

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cil committed to *Cassivellan*. Compare these words with what he writes of the *Gauls*, l. 7. *Re in Controversiam deductâ totius Gallie Consilium Bibracte indicitur, eodem conveniunt undique frequentes multitudines, suffragiis res permittitur, ad unum omnes Vercingetorigem probant Imperatorem.* Here the Council of all *Gaul*, by reason of the War, put it to the Vote who should be their General; it was carried with a *nemine contradicente* for *Vercingetorix*.

And 'tis beyond dispute, that their Government continued the same in the Times of which *Dion Cassius* and *Tacitus* writ.

Nor is their Uniformity so strange, considering the Authority of the *Druids*, and their Correspondence in both Nations.

When the *English* and *French* came from *Germany* to people *Britain* and *Gaul*, the *German* Liberty and moderate Sway were transplanted with them; and still the *Common Council* had the main stroke in all weighty Affairs; for to that Policy had they been educated.

The Scheme of the *German* Government appears in these Passages of *Tacitus*; *De minoribus rebus Principes consultant, de majoribus Omnes*: In lesser Matters the Principal Men only, in the greatest Affairs all consult.

Elsewhere he says of them, *Ubi Rex vel Princeps audiuntur Authoritate suadendi, magis quâ*

quam jubendi potestate: Where the King or Prince are heard for the Reasons they bring to persuade, rather than for any Authority to command.

Hereby 'tis manifest, that in *Germany* also the People had their Share in debating and directing all Affairs of moment.

When therefore the *French* under *Waramond*, or *Pharamond*, came to Settle and Mix with the *Gauls*, whatever other Differences might happen, in point of Government they were agreed beforehand, both resting upon the same Basis the *Common Council*.

Accordingly, in those first days, we find them *making* their Kings, and again upon occasion *unmaking* them by general Consent. Hence come those Phrases so frequent in *Aimoinus*, *Sigebert*, *Engenhardus*, and the other Writers of those times. *Consensu Francorum*, *Electione Francorum*, *Secundum Morem Francorum*, *in Regem electus*, &c. On the other hand, *Franci regno deturbant*, *à Francis repudiatur*; *depositus ac detonsus*, *in monasterium detrusus est*, *à Francis in Monachum tonsuratur*, &c. Where we may note, that our Authors intend by their *per Francos*, as much as *per consensum Francorum*, or *secundum morem Francorum*, which is, by the *Common Council*, and not in any unusual, mutinous, and tumultuous way, as some might object.

Nor are we to imagine the Government presently altered, so often as we find the Historians varying their Phrase. We must now and then be content with such words as the *Monks* of those times were pleased to coin for us, and have new barbarous Names for the same old *Civil Constitution*.

Whether they speak of *Germany*, of the *French*, or of *our Nation*, they indifferently diversifie, and employ for the same *Common Assembly*, amongst others, the Appellations and Circumlocutions following ;

Sometimes they call it *Curia*, and *Curia Imperialis*, and *Curia Regalis*, *Curia solennis*, *generalis Curia*, *magna Curia*.

Concelebranda patrum Solenni Curia coetu,
Curia Roncaliis jampridem indicta coiret,

say their Poets. Which is expressed in the *German Tongue*, by *Hove*, *Koiglicher Hove*, *grossen Hoff*.

Elsewhere it is call'd *Congregationes*, which the *Germans* render *Reichsversammlung*.

Sometimes it is call'd *Concilium Principum*, *totius Germaniae Concilium*, *Concilium generale*. *Gunthur* says,

Concilium Procerum toto de corpore regni
Convocat. —————

And the Monk of *Paderborn*, who liv'd about eight hundred years ago, in his *Annals of Charles the Great*,

Anno 772.

Et Rex Wormatiarum Carolus collegit in urbem, Francorum proceres ad Concilium generale.

Imperialia Concilia postquam cessavere, omnes pene deformitates introductæ sunt, says Cardinal Cusan.

Elsewhere these are called *Conventus*, *Conventus generalis*, *Conventus publicus*, *Convenire generaliter populum suum præcepit. Habuit populi sui generalem Conventum. Habitoque juxta Morem Conventu generale.* The Monk of *Paderborn* thus versifies.

Anno 775.

Ad Duriam vicum properat, nam rege jubente, Illic Conventus populi generalis habetur.

Elsewhere,

Venit, & ad fontes fluvii cui Lippia nomen, Conventum fieri Procerum jussit generalem.

Anno 775.

Publicus in Paterbrunon Conventus habetur.

Most commonly it was called *Placitum*. *Compendii placitum generale habuit. Aimoinus. Rex Pipinus habuit placitum suum in Nivernis. Regino, An. 773. and An. 777. Tenuit placitum in loco*

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qui dicitur Paderbrunon. Abbas Stadensis in Chr. An. 811. Imperator habito placito, &c. And the aforesaid Monk,

Anno 770.

*Conventum placiti generalis habere,
Cum ducibus se velle suis denunciat illic.*

Regino calls it Synodus. An. 770. Carolus habuit Synodum in Wormatia. 771. Habuit Synodum ad Valentinianos. 772. Synodum habuit in Wornatia. 775. Habuit Synodum in villa quae dicitur Duria. 780. In Lipa Synodum tenuit. Convenerant multi Episcopi, Abbates, & Principes ad Imperialem Synodum. Trithem. Abb.

Afterwards in *Germany*, *Diet* was the Name that generally prevail'd, as that of *Parliament* in *France* and *England*.

Now these Quotations and Authorities shew, not only that by all this Variety of Names were understood the same *Common Council*, but that the *Principes, Proceres, Primores, Duces, Patres, &c.* imported no more in Truth, nor signified other manner of Men, than the very same with *Populus*.

And the same Assembly, by one Writer barely called *Populus*, or *Conventus populi*; is by another styled *Conventus procerum, Conventus principum, &c.* which those Terms *secundum morem, juxta morem, more solenni, ut solebat*, more fully demonstrate; which seems to refer and send us back to *Tacitus, Consultant de majoribus oranes.*

This

This I rather note, because I find Mr. Petty (amongst many other his excellent Memorials) observing the like in old Records of Parliament, where those somewhere called *Populus* and *Vulgus*, and the *Commons*, are otherwhiles dignified with the gay Additions of *Noble*, *Most Noble*, *Most Illustrious*, *Most Gracious Seigniors*, *Monseigniors*, and *Sires* the *Commons*.

And likewise for that some unwary and superficial Readers from this Root have propagated and improved many Errors of pernicious consequence to our ancient and Fundamental Policy and Government.

The *French* incorporating and growing one People with the former Inhabitants, had a much easier Province; they settled, and pursued their Native Customs and Forms of Government, nor met with that Difficulty and Opposition which in this Nation attended the *English* and *Saxons*. These had a much harder Game to Play. These could in no wise fix, or find any sure footing, without first clearing their way, and driving the *Britains* up by themselves, into a Corner of the Land.

And after much tumbling and bustle, we find them formed into an *Heptarchy*.

How regularly they mov'd, as to *Civil Affairs*, how closely they followed their
Country

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Country Customs, or where they innovated and varied from their *German* Forms and Policy, in those dark Times, is hard to be traced.

Some Footsteps however appeared then, which remained to Posterity, as the Division of the Country into *Hundreds*, after the *German* manner described by *Tacitus*. Besides the other Royalties in the People, as that of Appointing *Sheriffs*, and Chusing Annual Magistrates, the *Jurisdiction* and *Power of Life and Death* by our Juries, &c.

And even before all came united under one Monarch, we find the People interposing their Authority, and (for the Miscarriages of Queen *Edburga*) providing that thereafter, *No Queen shall sit by the King, nor have the Title of Queen, but be called only the King's Wife.* *Gens itaque occidentalium Saxonum Reginam juxta Regem sedere non patitur, nec etiam Reginam appellari, sed Regis conjugem permittit, &c.* *Affer. Menev. & Mals.* But I shall not repeat what *Cambden* and *Selden*, and our other Antiquaries have collected on this occasion; but *Germany* being the Source both of our People and Laws, I chuse rather *petere fontes*. And thence it may be concluded how far we do *stare super vias antiquas*, and continue firm upon the old bottom.

When the People and Senate of *Rome* had transferred all their Right upon *Charles the Great*

Great (or *Charlemain*, as the *French* call him) and *Germany* was made the Seat of the Western Empire, one might think, if there could be an opportunity of introducing a new Form of Policy, this was the Time. Yet *Charles* so Victorious, so August, so Great, the like in no Age before him or since ever known on this side the *Alps*, notwithstanding all that Power and Fortune, and the Imperial Crown that adorn'd him, his Language was still the high *German*, and his Government did still, in the *Old Parliamentary way*, go on and prosper.

Therefore we find him every year with his *Parliament*. *Eginhardus*, who was his Son-in-Law, and Chancellor, says of him, *Rex sic ad publicum populi sui conventum qui annuatim ob regni utilitatem celebrabatur, ire, sic domum redire solebat.* And *Aimoinus*, l. 4. c. 74. *Generalem Conventum quotannis habuit.*

And to these Parliaments, *under God*, so far as humane Reason may judge, does *Hincmar* (Archbishop of *Rheims*, and Chancellor in those times) ascribe his happy Reign. *Secunda divisio, qua totius Regni statûs anteposito, sicut semper, omnipotentis Dei judicio, quantum ad humanam rationem pertinebat, conservari videbatur, hæc est, consuetudo tunc temporis erat, ut non sæpius sed bis in Anno duo placita tenerentur, unam quando ordinabatur status totius Regni ad anni vertentis spacium, quod Ordinatum nullus eventus rerum, nisi summa necessitas, qua similiter toti Reg-*

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no incumbibat, mutabat, in quo placito generalitas universonum majorum tam Clericorum quam Laicorum conveniebat, alterum cum Senioribus tantum & præcipuis Consiliariis.

All this seems but a Paraphrase upon the Passage afore-cited out of *Tacitus*, as to the *Form* of Government. The *Princes* and *Seniors* are for the Matters of less weight; the former here mentioned, was the *generale placitum*, which the *Germans* more particularly call, *Die jährliche versammlung*, the yearly *Assembly*. Whose business (he tells us) was to order the *State of the Kingdom*.

He shows us likewise how binding these their Ordinances were, and not to be contraven'd, unless upon the *utmost Necessity*; not a Suggested, Invisibje, Court-Necessity, but *quæ toti regno incumbibat*, a *Necessity* that lay upon the whole Kingdom.

In effect, the Parliament *Ordered*, and he *Executed* their Orders; his Office was the Administration.

Amongst other Particulars, we find him in Parliament adjusting the matter of *Succession*, as *Eginhard*, and the Abbot of *Staden*, *An. 813.* inform us, of which the Monk of *Paderborn*, *An. 813.*

*Unde Duces, ac Primores solenniter omnes,
Atque Magistratus, ad Concilium generale
Undique collegit, Natoque suo Ludovico,
Cunctorum cum consilio jus omne regendi
Tradidit Imperii, Successoremque paterni
Imposito designavit Diademate Regni.*

And accordingly his Son *Lodowic*, by general Consent of Parliament, did succeed him; post mortem patris *Aquisgrani*, summo omnium *Francorum consensu administrationem accepit*, Anno. An. 814. de reb. gest. Pip. Car. & Lud.

The same Author tells us, that this *Ludovic*, *Lotharium filium Primogenitum consortem Imperii constituere volens, Aquisgrani in Conventu, more solito, instituto, eum coronavit*:

In like manner we have the Son of *Arnulph* chosen in Parliament, to succeed his Father. *Regino, An. 900. Proceres & Optimates ad Forachem congregati Ludovicum filium prefati Principis, quem ex legitimo Matrimonio susceperat, Regem super se creant, & Coronatum, regniisque ornamentis indutum, in fastigio Regni sublimant.*

Nor was this done only out of Formality, and for the greater State and Solemnity on those Occasions; for we sometimes find them refusing to grant what the Emperor labour'd to obtain. Amongst other Instances, we have this last named *Arnulph*, An. 894,

D attempt-

attempting to make his Son *Zundelbolk* King of *Lorraine*. But they would not gratifie him. *Filium Zundelbolk, An. 894. Ordinibus convocatis Regno Lothoraii proficere voluit, minime tamen Optimates prædicti Regni eâ vice ad sensum præbuere, Regino, l. 2.* But the next year after he prevailed, says the same Author: *Anno vero sequenti, in conventu Wormatiæ instituto, omnibus adsentientibus id demum obtinuit.*

Hitherto these appear to be the same *Germans, Ubi Rex vel Princeps audiuntur auctoritate suadendi, magis quam jubendi potestate.*

And seeing that this Succession is one of those Points that are of greatest Importance, 'tis strange how the Right of Electing the Emperors came afterwards to be left in so few hands, and to be settled in the *Seven* only, who, in course of time, got the Name of *Princes Electors*.

Neither the Occasion, nor the Time when this Custom, began can be discovered. Some would deduce it from *Charles* the Great. Some from *Otho* the Third, who Reigned about the year 990. Others from *Otho* the Fourth, *An. 1200.* Others again from *Henry* the Second, who was Emperor, *Anno 1001.*

From which Uncertainty we may only gather, That this Custom was very Ancient.
But

But it is not to be imagined, that the other States, by any Publick Act, transferred the Right upon those *Seven*.

Amongst the Fallacies and Cheats of State, whereby the Rich Men may impose upon the Poorer sort, and worm them out of all their Share in the Government, *Aristotle* reckons these: *That it be Penal for the Rich to be absent from the Common Councils, to refuse being in Office, to want, or omit the Exercise of Arms, not to serve upon Juries, &c.* But the Poorer sort may use their Discretion, it shall not be Penal to them; they may chuse whether or no they will be present in Common Council, bear Office, be at the Charge of Arms and Training, be impannell'd upon Juries, &c. In these Cases, this specious Liberty fools and bewitches them: for so long as no Restraint is upon them, and they are not excluded or slighted, or disrespected any way in the matter, they rather follow their private occasions at home, and the Business of their Families. And thus by degrees is the Commonwealth and Government changed. And that is effected by Art and Trick, which openly and fairly could never have been brought to pass.

We need not think that the *Germans* were over-reached by any the like Sophistry and deceitful Laws; but 'tis likely, that to many it was sufficient, that it lay in their Choice whether they would act or no; and in that Security many sat down: Some could not

conveniently spare Time from their Families; some were indifferent which way the World went; some could not part from their dear Delights, their Pots and their Hounds; and some staid at home, because they could not make that Show, and appear in a Pomp and Equipage like their Neighbours. By reason of these, and a many the like Considerations, together with a general Degenerateness, Supineness, and Neglect of the Publick, the Affairs of State became abandoned, and shuffled into a very few Hands; insomuch that few, besides those called the *Seven Electors*, made any great Figure, or much labour'd in that Sphere.

But those *Seven* were suffered, from time to time, by a silent Usurpation, to manage all, till insensibly it grew into a Custom.

So that (under *Charles* the Fourth, when the Privileges and Rights of every body came to be stated, and reduced, by *General Consent*, into a Standing Law) in the beginning of the *Golden Bull*, this Ministry of the *Seven Electors* is said to be an *Ancient and laudable Custom*.

Some will have these Electors to be a Committee of the whole Empire, and that (there being one King, one Duke, one Marquess, with the Churchmen) all the several Orders in the Empire are represented by them; and consequently that their Act is virtually the Act of the Empire. But

Decay of Parliaments.

But it seems more reasonable, that this sort of an *Aristocracy* sprang up to over-top the Ancient and more popular Government, by the Negligence or Inadvertency of the other Orders; who were satisfied in seeing the Emperor thereby effectually held within Compass, and had no Care or Consideration farther.

For all their Fears and Apprehensions had risen from the Emperor; and, if so be that they might be secured against his Inroachments and Oppression, they were content to set up those Electors; to oppose the Emperor, and stand as a Bulwark betwixt him and them.

And therefore by their free Act, in the *Golden Bull*, they settle and confirm to the Electors that Prerogative, which no Prescription otherwise could have made *Just* and *Authentick*.

Above an hundred years before, in the *Church*, had the Government changed face; an *Aristocracy* obtain'd, and the *Election of the Pope* ceased to be any longer popular.

About the same time, in *England* also, the old Laws and Policy ran a dangerous Risque from an Inundation of *Arbitrary Power*, that threatned to break down all the ancient Banks and Barriers.

For the *Normans* having come amongst us, partly by *Consent*, partly *Perforce*, puſt up and wanton with their new Acquiſitions and Swinge of Fortune, they could not well be kept within Bounds. Now and then Speeches of *Conqueſt* and *holding by the Sword*, and the like Bug-titles, were bandy'd to and fro among the giddy Courtiers, with now and then a Sally and Inroad upon the People, and trampling *Property* under-foot.

Theſe Inſolences and Invaſions kept the Nation awake, and put them upon their guard, to wait an oppotunity whereby their ancient Rights and Cuſtoms might be reduced into Form, and ſolemnly recogniz'd by ſucceeding Kings in the *Great Charter*.

Thus was the Cockatrice cruſhed in the Egg; and an early ſtop put to Arbitrary Sway in *England*; and the Government returned to its old Center of *Parliaments* again.

Germany in this juncture, lay moſt open and expoſed. The Emperor, *Lord of the World*, and *Head of the Nations*, Succeſſor to thoſe *Ceſars* that had broken down all Forms and Fences, ſo that Liberty and Property lay waſte every way before them.

Theſe owed all Power to the *Sword*. The *Imperial Crown*, the *Lex regia*, the whole Bulk and Body of the *Civil Law*, where wholly and entirely

entirely their own proper Creature; and what more might be devised to make a Prince unlimited, uncontrollable, great, and barbarous, and render him a *Cyclops* or a *Leviathan*?

But the Result was, the *Customs Liberties* of the *Germans* were far more ancient and more *Sacred* to them, than any *New Song* that the *Civilians* could teach them.

Therefore all this long Rattle of Imperial Prerogative only alarm'd them, and made them provide the better for their Security.

And as their Danger was the most threatening, and arm'd with stronger Titles and Pretensions than other Nations; so have they with more Care sought their Preservation. And the *Golden Bull* with them, was framed, and had the same Effect as *Magna Charta* with us; which they strengthen, and make Supplements to upon occasion, according as the Emperors abuse their Power, or that Tricks are devised, under colour of the Letter, to elude the honest Intention of that *Fundamental Law* and *Constitution*.

Thus we see it true, in respect of Sovereigns, as well as Subjects, That *Evil Manners* are the Cause of *Good* and *Wholsome Laws*.

The *French* have no *Golden Bull*, nor *Magna Charta*; peradventure, because no King
of

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of theirs had those Pretensions of Conquest, as the *Normans* here; nor had that Imperial Title of the Sword, and the Civil Laws, as the *Cæsars*, to transport them beyond the Bounds of Moderation and Reason.

Which put them upon other Measures, and gave them opportunity, step by step, slyly, insensibly, and surely, to effect what more openly could never have succeeded.

As in the Fable, the Storm and Violence of the Wind could not force the Traveller's Cloak from him; but the Sun, coming silently upon him, dissolves him presently, makes him unbutton, and strips him of all.

Noise and Bluster make the People the more obstinate and tenacious. But things remote affect them not. They never see Consequences, nor lay ought to Heart that is not immediately present before their Eyes.

If any thing now and then, in the course of their King's Reign, happen'd that was shocking, all was lookt upon as some personal and accidental Slip only, without Foundation for Continuance, or without giving Jealousie of being repeated to Posterity.

About an hundred years after *Magna Charta* was established, was that Project of the *Modern*

Modern Parliament in France set on foot, to render unnecessary the Ancient Assembly of the States, and consequently to alter the Government.

But the *English Arms* gave check to their wanton Career, and for a long time diverted them from pursuing that Design, or bringing it to any Head.

However this *New Assembly* and *Vice-Parliament* was cultivated and improved daily. They assumed all the *Power*, they consulted and determined the *Weighty Affairs*; and, in case the King offered any Violence to the *Laws*, they encounter'd and oppos'd his *Exorbitant Courses*; they lay before him his *Coronation-Oath*, and ply'd him with *Remonstrance* upon *Remonstrance*, till they brought him to Reason.

Neither *War* nor *Alliance* could be made, nor could any his *Edict* or *Command* have effect, till Ratified and Approved by them.

So that, to the unwary Multitude, these serv'd the Turn as well; these were as effectual and sufficient, and more ready and expeditious than the *Great Old Parliament*.

But afterwards came new-fashioned Kings to reign, who would not be overcome by *Reasons* and *Remonstrances*.

And yet, then also was a formal Compliance of this *Parliament* thought necessary; and, as an Expedient, when not satisfy'd in Conscience that an Edict ought to be Ratify'd, was introduced that Clause, *Mandato Regis*; which imported, That *they did not Ratifie such an Edict upon their own Judgment, but that they were over-ruled by the King's particular Command.*

Afterwards again came the *expresso Mandato*, and *expressissimo Mandato Regis*, according as they passed it with a greater Reluctancy, and greater Violence had been offered to their Judgment.

But *Henry* the Fourth, who had fought through all Oppositions into his Kingdom, and had subdued to his Will all that had fac'd him in the Field, grew impatient, after so great Contrasts, to find his Resolutions crost, and contested by *Tame Gownmen*; therefore, to rid himself at once of all those verbal Frays and Formalities, made a Law, that thereafter the *Kings Edicts* should be *Ratified* and *Emologated* upon sight, without more formal Trifling and Dispute.

Thus were those Remains of Sovereign Power, that had surviv'd in this diminutive Parliament, baffled and extinct, without much Labour.

But as they never possessed the Vigour and Spirit of the *Antient Assembly*; the People were never so stupid to trust, or lay much stress on their Valour and Performance.

And therefore did more early show their Resentment; nor, without a general Convulsion and Civil War, could bear the Apprehension of a Court-design to lay aside the *Old Parliament*.

It was the boast of *Lewis* the Eleventh on this occasion, that he had *Mis la Royauté hors du page*, i. e. *He had so ordered Matters, that the Royal State should be no more a Pupil*; in him it came of *Age* to dispose things and act of its own Head, and should not need to be *tutor'd* or be under a *Guardian* any longer.

This was a Prince of particular Humour, and of singular Endowments. It was no wonder if he did not like the Check of a Parliament; he had before attempted by two or three Rebellions to free himself from the Authority of his King and Father.

The good old King *Charles* the Seventh, weathered the upon Violence, but Fear of Poyson overcame him; insomuch, that he durst neither Eat nor Drink any thing, but after five days Fasting dyed.

And now *Lewis* being King, his first work was to clear the Court from all who had serv'd his Father, and pack off all the Princes of the Blood, and ancient Nobility, and to create a new Set of Nobles and Courtiers for his purpose.

The People took the Alarm, and clamour'd for a *Parliament* to regulate Disorders, and Evils that threatned and hung over them. *A Parliament, a Parliament*, was the Cry and Expectation throughout all the Kingdom.

The Bishop of *Paris* and Clergy, the Courts of Justice, and the City, (the Three Bodies of the greatest consideration and gravity) presented to him their severall *Remonstrances*.

He (Dissembling being his Talent) took all kindly; and to break their Discontents, or divert them, he took six Persons out of each of their Companies, to be of his ordinary Council; in show only, for in effect he was still the same.

And amongst the profligate Rabble about the Court, there wanted not in the mean time a sort of Wretches who made an Hubbub, and as formally declared their Detestation and Abhorrence of their Practices that had importun'd the King with their *Remonstrances*, and call'd it an unparalell'd Violation of their Duty. Nay, (*Philip de Comines* tells us,) the Courtiers
went

went so far, they call'd it *Rebellion to Mention a Parliament*. Nor was it strange such Cattle then should be shelterd about the Court, when a *Mountebank* was set up for Lord Chancellor, *Taylor* and *Barbers* (*Johan de Doyac*, *Olivier le diable dit le Dain*, &c.) the prime Ministers of State.

This jarring agd misunderstanding was followed by a Civil War, which was call'd *The Publick Good*. This produc'd a *Parliamen*. And this *Parliament* would no longer trust *Lewis* single with the Administration of Affairs; but appointed him Thirty six Commissioners, (*Curateurs*) to be his Assistants. However, *Lewis's* Excellency lay in playing an After-game.

In the *War*, he had sent to his Ally *Alexander Sforza* for Aid; who return'd him Answer, that Men he had none to spare, but would give Advice, which should be as effectual; so the *Italian* advis'd him *Always to agree with his Enemies upon any Conditions, and then find an opportunity to cut their Throats*. According to this, *Bodin* speaks of him, *Pacem inire coactus est, sed eos omnes clam aut aperte, paucis admodum exceptis, necandos curavit, fratrem quoque Carolum veneno.*

This is the Dexterity which *Comines* so much labours to Gloss over, and set a Countenance upon; these the *Belles Actions*, and the *Finesse*, which the *Modern French* so much Celebrate

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lebrate at this day; all is copyed from this Original.

Perjuries and Poisons were his ordinary Arms, yet none so Devout, none so Superstitious, none made the like Largesses to the Church. But his Masses and Pilgrimages did always portend some strange horrid Murder about to be executed.

These were but personal Vices; his cajoling the Citizens, and affected Gallantry to their Wives, was politick enough. But what proved effectual to his Design of *Changing the Government*, and *Excluding Parliaments*, was his laying aside the *Franc-Archers*; who hitherto had been the *Train'd-bands*, and ordinary *Militia* of the Country.

In the War (call'd *The Publick Good*) he found that those *Franc-Archers* (being Men of a settled Habitation, and way of Living) took part with their Landlords and Neighbours against him; therefore from thenceforth he slighted them, and, by Beat of Drum from Town to Town, gathered and listed such as Voluntarily offer'd themselves to his Service.

These were then called *Adventurers*, because they sought their Adventure by Fortune of War; as afterwards, when *Charles* the Eighth carried them over the *Alps*, they got the Name of *Souldiers*, from the *Sold*, or *Pay*, they received upon that Expedition.

But

But as this *Lewis* could not trust the *Militia*, so in a little time he began to think himself not safe amongst his *Adventurers*. These yet were not remote enough from the Interest of their Country, and had some small Sense of its Oppression.

Thereupon, for the more immediate Guards of his Person, he takes into Pension Four thousand *Switzers*. And by that Establishment, seems to have compleated his Design, and alter'd the old *Parliamentary*, into a *Military* Government.

And now it was not so hard a matter to borrow Money of the Citizens, and otherwise make those Levies which no King before him ever attempted.

Thus it was that he brought the Royalty *hors du page*; or, rather (according to the Paraphrase of their Historian *Mezeray*) *hors du sens & du raisonne*.

Though in *Germany* the Condition of their Parliaments is not altogether so deplorable and desperate; yet of latter times there have not wanted lusty Endeavours by Force and by Artifice to destroy them.

Right and Wrong are ever the same, but Times and Manners vary Faces very much. One while, instead of all other Penalty for a Crime,

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Crime, it was sufficient that the Law censur'd it with an *improbè factum*. To say he that does so, or so, is to blame, was more effectual and coercive in those *Saturnian* days, than are Racks and Gibbets with us.

Radamanthus his way of administering Justice in all Causes between Party and Party, was by putting them both to their Oaths, and determining their Right accordingly.

This, says Plato, was a proper and ready way in that Age, when every Body was possessed with the Fear of God. But, says he, this would not do, now in our times, when some make it a question whether there be a God or no; others make a doubt whether God regards what we do on Earth; most and the worst of Men have a conceit, that though there be a God, that they can pacifie him with their vile Adulations, their Mummeries and their Masses; so that they may be still as Wicked as they please.

Therefore, says he, when Mens Opinions are chang'd, the Laws also must be chang'd; for, otherwise, if our Judges now were to make Radamanthus their Precedent, we should all be over head and ears in Perjuries.

The like may be observ'd in relation to Sovereigns. In old time at first there was only a simple Confidence betwixt them and their People. And never were Kings so reserv'd, as then when they had no Bounds.

After-

Afterwards, the Misbehaviour of some Princes introduced that Check of a *Coronation Oath*. And where that is the only Check, 'tis an argument they had never yet been tainted with the Atheism and Infidelity, which *Plato* mentions; but had continually liv'd and rul'd with that Simplicity and Religious Fear, so memorable in those days when *Minos* and *Radamantus* were King and Chief-Justice of *Crete*.

Claude Seiffelle reckons several *Refrains*, *Bridles*, that curb the *French Kings*. But now when the *Old Parliament* is obsolete, this would be remarkt upon, as a graceless unmannerly Metaphor, in the *refined* Language.

In the State of *Venice*, at first their Prince was as absolute as any *Barbarian*; till having strayed, and given some Instances of Humane Frailty, new Curbs and new Tyes were devised for him. But the *Italian* prov'd still too Witty to be held by any.

The *Venetians* however would not be dally'd withal; they would not suffer their Transgressor to rejoyce long in his Extravagance, but pursued him with exemplary Punishment: *Sabellicus* reckons to the number of Twelve that lost their Heads for slipping their *Bridles*.

At the length, when the *Venetians* found that neither the simple *Trust* was sacred, nor the *Coronation-Oath* inviolable, nor the exemplary Punishment effectual to contain their Prince within the bounds that were consistent with a Free-People ; they concluded that the Publick Safety could not be sufficiently provided for, and secured against their Prince, till they stript him of all the Reality and Substance, leaving him barely the Formalities and Trappings, and empty Shadow of Sovereignty.

Now to come to the *Germans* ; whatever Shifts other People have been put to, to maintain their Liberty, they (it should seem) never trusted the Sovereignty out of their own Hands. So that whether it be a *mixt*, or what other sort of Government you call it ; the great Affairs were always reserv'd to be determin'd in *Parliament* ; there was the *Supreme Power*, there was the *Majesty*.

Yet no People have been forwarder in adorning their Prince with all the Titles and Expressions of Greatness, and arbitrary uncontrollable Power, than they.

All the Acts and Laws run in his Name ; and are called *Cesar's* Laws, and *Cesar's* Constitutions.

Where the Emperor and the Empire are Named, he constantly has the Precedence.

In

In the publick Ordinances and *Recesses*, every thing from him are stiled *Precepts* and *Commands*; from the States merely Obedience and Prayers, though he cannot wag a Finger without their Consent.

They every where speak of, and own in him a Fulness of Power, *vollkommenheit*. And this they give also to the King of the *Romans* at the same time; to show the Emptiness and Vanity of it. As both are call'd Heads of the Empire, though the latter has no Power at all, during the Emperor's Life.

They and the World salute him by the Title of *Imperial Majesty*. And the *German Style* will not allow Majesty to any other Kings; *die Koninglicher Wurde*, not *die Koninglicher Macht*, the King's Worship, not Majesty.

Yet after all, *Aeneas Sylvius* says, in *Germ. c. 43. Imperatorem, & Regem, & Dominum vestrum esse fateamini, precario tamen ille imperare videtur, nulla ejus potestas est.*

The Shadow and Flourish only were in the Emperor; but the *Jura Majestatis*, the *Vis Imperii*, the Essentials of Majesty were always reserv'd and exercis'd by the Common Assembly, as by the Particulars may more plainly appear.

1. One of the *Rights* of Sovereignty is to be *above the Law*, and to *give Laws* to the People.

Neither of these Royalties belong to the Emperor; he may be call'd to account for violating the Laws. In the *Golden Bull*, the Forms and Proceedings against him are stated. 'Tis there said to be the *Custom*, and accordingly settled and agreed for Law, that the Electors may *Impeach* the Emperor, in the Assembly of the States; and the *Count Palatine* of the *Rhine*, a Chief Elector, is to be the President or Judge.

For the *Legislation*, or *making Laws*, the Emperor proposes, the States are free which Propositions they will proceed upon. When an *Act is to be passed*, the *Electors* have six Votes, the *Princes* six, the *Cities* two, the *Emperor* has but one (the last) Vote. Without a Majority he can do nothing: They can Decree without him if he is absent. The Ordinances are to be confirm'd by his Seal and Subscription; but if the *States* persist, he must of necessity comply. Even *Charles* the Fifth in vain contested that point, as may be seen in *Sleidan* l. 4.

These Sanctions are regularly subscribed by *Cesar*, and by some of the States for the Empire; and are Enrolled (at *Mentz*) in the Chancery of the Empire. The several *Members of the States* are sworn to be true to the
Emperor

Emperor and to the *Empire*; and are said to be *Subjects* of the *Emperor*, and of the *Sacred Empire*.

2. In matters of *Religion*, in all times, the *Head of the State* had the *Supreme direction*, as it was said of *Tiberius*, *Deum munere summum Pontificem summum hominem esse*. And the *Christian Princes*, before the *Papal Tyranny* usurpt upon them, were always the *Chief Pontiffs*, and receiv'd the *Pontifical Habit* from that *College*.

But upon the *Reformation in Germany Anno 1555*. both the *Empror* and *Pope* were excluded, and their *Pontifical Supremacy* abrogated. In the point of *Religion*, the *Emperor* was not consider'd as the *Chief and Head* of the *Empire*, but as a *Party*: for by joyning himself to the *Roman Catholics*, he makes their *Cause and Concern* his own. It was therefore agreed and concluded, that the *States* only should determine in matters of *Religion*; and that with a tender hand, in an amicable way only.

3. *War and Peace* are transacted in the *Name* of the *Emperor*; but in effect, as is reserv'd to the *States*. He must at the least have the *Consent of the Electors*.

Yet any *Prince of the Empire* may levy *Souldiers*, may make *Leagues and Associations* without any *Bodies Leave*.

4. For *Jurisdiction*, and the last *Appeal*, the *Civilians* say the *Emperor* is *fons omnis Jurisdictionis*; but here it is far otherwise.

The *Princes* in Causes touching their *Life*, their *Honour*, or their *Fee*, always claim'd their Privilege *das fursten-recht* (they call it) to be try'd by their *Peers* the *Princes of the Empire*.

The *Common Pleas* were tryed by the *Emperor*, and attended his motion, till by the Increase of the *Suits*, that *Judicature* was no longer sufficient, the *Judges* grew corrupt, and many other *Inconveniencies* appearing, the *States*, in their Assembly at *Franckford*, An. 1489. ordered a place certain for the Decision of those ordinary Causes; whereupon the *Imperial Chamber* at *Spires* was erected.

All the *Process* and *Decrees* of the Court ran in the *Emperor's* Name, and are under his Seal; and it is call'd *Cesar's Court*. But it is also call'd the *Court of the Empire*.

The *Emperor* only Named the *President*; by the *States* were the rest of the *Judges* appointed; the other Officers of the Court by the *Electör of Mentz*, *Arch-Chancellor* of the *Empire*.

The *States* likewise execute the Sentence. They Visit and Reform the Court by their
Com-

Commissioners; and to these *Visitors* are the *Appeals*, not to the *Emperor*.

Yet some voluntary References that were made to the *Emperor* and his *Privy-Council*, and to their Arbitration, gave them opportunity of late to usurp a Jurisdiction.

5. *Taxes* are all Levy'd in the *Emperor's* Name; but in truth nothing of that Nature can be done without the *Assembly of the States*. Nor is the *Emperor* trusted with the Money in his Exchequer; the *States* keep it till it be employ'd; they have their several Treasuries.

Sometimes the several *Circles* keep their respective Money; sometimes a *Publick Treasury* is agreed upon, and one or more *Pfenning Meisters* (Penny-Masters) appointed. *Anno* 1495. They ordered seven Treasurers, one to be named by the *Emperor*, and six by the *States*. And if any be by special Oath or Obligation bound to the *Emperor* or other particular *State*, he is incapable of that Trust. These are accountable to the *States* only.

If the *Occasion* for which the *Tax* was rais'd be taken away, the Money cannot be diverted to other *Uses*, but by the Consent of the *States*.

6. The *Chief Magistrates* are, none of them, made by the *Emperor*. The Count Elector *Palatine* is *Vicar* or *Protector* of the *Empire*, and ha

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has the Charge of it in the *Emperor's* Absence. The Three *Ecclesiastical Electors*, who are chosen by the Chapters, are of course the *Arch-Chancellors* of the Empire. The *States* appoint the (*Reichs-Skak-Meister*, or *Reichs-Pfenning-Meister*) the Treasurer of the Empire. Sometimes they leave the *General* to be nam'd by the *Emperor*, and the *Ten Circles* appoint their several *Directors* or Council for him.

For the other Particulars, as the Inspection and Care of *Coyning Money*, the Hearing and Sending *Ambassadors*, &c. the *Emperor* has no great matter of advantage above the other *States*.

On a Common Account, where the Concern is general, the *States* must be Consulted; and nothing can be done without their Consent and Approbation.

The *Electors* are in Possession, and Exercise a particular Sovereignty in some Points of greatest Moment. They are the *Trustees* and *Representatives* of the whole *Empire*, in their *Election* of the *Emperor*. And hereupon they undertake likewise to loosen his Power, or tye it up short; and make what Capitulations they please with him. And thereby would assume to themselves more than the other *States* will be ever content to allow them:

But the *Emperor* singly, besides the Name, and Poms, and empty Titles, has very little of the Substantial Sovereignty entrusted with him. The

The *Investiture* of the great *Fiefs* belongs to to him. This is a Prerogative goodly in show, and were of moment, could he lay any Conditions or Charge on the Person invested; but nothing is left to his Will; he cannot deny the lawful Heir. Nor does the Fee, for want of Heirs, Escheat to the *Emperor*, but to the Publick Patrimony.

He grants *Privileges*, where a third Person or the *Publick* is not injur'd.

He founds *Universities*, grants *Fairs*, makes *Denizens*, &c.

He Creates *Kings*, *Princes*, *Dukes*, *Marquisses*, *Counts*, *Poet-Laureats*, *Doctors*, &c.

He gives only the bare Titulary Honour of *Prince*, but not the Qualifications: he cannot make him capable to *Sit* and *Vote* amongst the other *Princes* of the *Empire*.

So that here the *States* are not subject to that Imposition which the *Roman* Senate once suffer'd under *Tarquinius Priscus*, who created an hundred new Senators, to the end he might be sure of a Court-party, by his Creatures, and have a Majority of Votes in the House.

In short, the *Germans* seem to have observ'd the Rule in Politicks, That he who is the most

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high in *Name* and *Dignity*, should in *real*
Power be the least considerable.

Yet in the last Age, the *States* gave way to
several Innovations, which prov'd of mis-
chievous consequence afterwards.

It had accidentally been the Custom for the
Assembly of the States, to send for the *Emperor*
to come to them upon occasion; so *Hincmar*
tells us of *Charles the Great*, *Rogatu ipsorum*
in Concilium veniebat, quotiescunque voluntas esset
ut ad eos veniret; similiter quoque quanto spacio
voluissent, cum iis consisteret, &c. Ep. 3. c. 35.
Upon their Messages to him, he came to the
Assembly, as often as they had a mind he should
come to them; and in like manner he stayed so long
with them as they desired. And this Custom
continued, as may be seen in *Lehem. l. 7. c. 80.*
and *c. 113.* till under *Maximilian*. And then
the *States* began to go to the *Emperor*.

This *Maximilian* likewise, upon pretence of
sudden occasions that admitted not delays,
would now and then be acting *single*, and u-
surping in several particulars the Power that
of right could only be exercised by the
States.

Therefore the *States*, *An. 1500.* to take off
these pretences, and prevent all Attempts of
this kind, and partly, peradventure, for their
own Ease, substituted in their absence a
Committee, which they call'd the *Reigment*, and
the

the Members *Regents*. This *Regiment* was an Epitome of the whole Empire, and was endued with all the Powers and Sovereignty accordingly.

It consisted of *Twenty* Persons, who were chosen out of several *Orders* of the *States*; and took an Oath *to be true to the Emperor, and to the Empire*.

The *Emperor*, or his *Proxy*, was their President, but lest this might give too great advantage to the *Emperor*, an *Electer* was added, as Joynt-President with the *Emperor*, or his *Proxy*.

No Person of dependence on, or particular Obligation to the *Emperor*; was capable of being a Member.

The *Emperor* had no more Vote than any one of the *Twenty Regents*; nor could determine ought, unless the Majority were for him.

These were not simply to consult, but had the Execution also.

This Constitution held for some years. And then the *Annual Assembly* returned, and resumed their Power, and acted again. But in case of sudden necessity left another expedient for the *Emperor*. They Constitute for him a *Council*, consisting of Eight Persons,

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Four chosen by the *Electors*, and Four by the other *States*. These were sworn to be true to the *Emperor* and to the *Empire*, *Seweren der Keyserlichen Majestat und dem heiligen reichs getreu*, &c.

But *Charles* the Fifth coming to Reign, he was upon the new Model immediately. He restor'd the *Regiment*, but the Conditions altogether different.

Now it consisted not of *Twenty*, but *Twenty two* Persons. He, as *Emperor*, would have *Two Votes* added, thereby in effect to be Master of *Five Votes*; Two as *Emperor*, One as *President*, One for *Austria*, and One for *Burgundy*.

The former *Regiment* might, according to the Old Custom, send for the *Emperor* to come to them. Now it was order'd that *Cesar* might call them to what place he had a mind.

Formerly if the *Emperor* came not, they might proceed without him; now, *Charles* the Fifth forbad them to make *Leagues* and *Alliances*, or do ought in his absence. The *Oath* was alter'd, and the Members were only Sworn to the *Emperor*, and said to be the *Council of the Emperor*; whereas the former was called the *Council of the Empire*.

In the former Constitution, the *Electors*, in the name of the *Empire*, subscribed their Ordinances; here, with the *Electors's* Subscription is joyned that of the *President*, in the name of the *Emperor*.

In short, the former was Constituted by the *States*, and entrusted with their Power, to be a Check upon the *Emperor*; this was formed by *Cæsar*, to quiet the People, and entertain them with a Show, whilst he the more insensibly made his Advances to invade their ancient Rights, and usurp all the Power into his own hands.

The next project in case of Emergencies, was the *Assembly* of the *Deputies*. This consisted of the *Six Electors*, *Six* other *Princes*, and *Two Cities*; to which were after added *Four Princes* more. This continued till *An. 1606.* with some effect. Afterwards it prov'd of little consequence, Court-artifice prevailing, and the *Ferdinands* found a way to manage the *Deputies*, and render them as unprofitable to the Publick, as *Charles* the Fifth had made the *Regiment*.

The second *Ferdinand* called what *Deputies* he knew would Vote for him, the rest he excluded, and supply'd their place with others, who he understood were entirely at his devotion, as he told my Lord *Digby*, Ambassadour with him, *Ann. 1621. Lundorp. Tom. 2.*

Amongst

Amongst these Projects, may be mentioned the *Council* of the *Emperor's Court*, and the *Privy Council*. These also, that they might show as if the *Empire* had the Interest in them, were at the first sworn to the Elector of *Mentz*, as *Arch-Chancellor* of the *Empire*. Which Oath came after some time to be omitted.

Thus we have seen that the *Custom* of the *Empire* was to have a *yearly Assembly*; these at the end of their Session always appointed the Time and Place for their next Meeting. If necessity for them sooner, then was the *Emperor* to call an *Assembly* extraordinary; which happening frequently, the *States* for their ease appointed the *Regiment*, and other Expedients.

This gave a President for the *Emperors* to devise something of the like Nature, which they might more easily pervert to their own Arbitrary Interest and Advantage. If it have but the Name or Resemblance, the People look no farther; they see not into the Trick and Secrets of it; they are led by the Appearance so long, till they are past recovery, and no way is left them for a Retreat.

And indeed the *Emperors* of the last Age ceased to deal *bonâ fide*; the old *German Honesty* wore out of Fashion, and they no longer treated on the square with their People.

Artifice and Juggle came in place in the days of *Charles* the Fifth, began to get a specious Appellation, and be nam'd (forsooth) *Reason of State*.

But more especially, since the *Jesuits* there have refined upon the Court-Sophistry, and minc'd away all the old Remains of Morality and Conscience; for the *Jesuits* could the worst of all other, endure these same *mixt Governments*.

They would have the *Pyramid* inverted, and the whole stress of things rest upon one single Leg, that their Art might play the more freely, and they the more cleverly trip it down. This broad-bottom'd *Monarchy*, and *Government founded on the People*, puts them to other Measures; a Dose of Poison, or consecrated Dagger, will not do the work. They must here go about and about, make slow Approaches, ripen a Plot of many years, and draw a long Concatenation of Intrigue, e'er they can think to compass their Design.

When the *Commonwealth* has but one Neck, the *Jesuit* will have it under his Girdle; if not, one Blow does the feat, and his Dexterity is admirable.

Therefore in *Germany* the *Jesuits* have left no Stone unturned, for their Part, to bring the Sovereign Power from the *States* to the
Emperor

Emperor. And to that end of late times the *Emperor* (whether by their Influence upon his Councils or no, is not our enquiry) has employed all the undue Practices, and set all Engines a-work, to render the *Publick Assembly* useles, burthensome and odious to the People.

On this Foot, Care has been taken that some *Vexatious Tax* should be the only Result and Conclusion of every Session; *Aid against the Turk*, was a constant perpetual Pretence; *Money* the Head of all his Proposals, *Money* the Effect and Substance of all his Speeches. This Affair once adjusted, other Debates were out of doors, *Grievances* not then longer to be touch'd upon, but all adjourn'd to another Session. Besides the mischievous Devices to embroil the *States* amongst themselves, and turn all their heat upon fruitless Disputes and Altercations.

In the second Place, the *Electoral College* have not been too fair in their Respects to the *Diet*. These could be content that betwixt *Cesar* and themselves all the Matters of the *States* might be transacted. And sometimes accordingly stretch'd a Text of the *Golden Bull* to serve a turn; and collogued with him, that he again might be Complaisnt to them; till that amongst them the *Publick Parrimony*, and *Common Right*, and *Prerogatives* of the *Empire* became engross in a few Hands, and were made a Spoil to their unreasonable Ambition.

These *Electors* must every one, under his Hand and Seal, signifie their Consent to the *Emperor*, before he can summon an *Assembly of the States*.

They got to themselves the making of the *Emperor*. And now in effect the *States* cannot Meet without their Order.

They were wont to be reckoned *Six Electors*, to some purposes *Seven*, afterwards *Eight*, now they make *Nine*; but before they fill up the Number of the *Roman Decemviri*, they will do well to remember their Fate. These *Ten* (as *Livy* tells us) having got all the Supreme Authority for a Time into their hands, that they might reign absolute, took an Oath together never to call the *Common Council*. Yet their Tyranny held not long. This Cheat would not down with the *Old Romans*; but, with a general Indignation, they brake over the Forms and Captivity of the Letter, for that old Law in *Homer*,

Εἰς οἶον⊕ ἀεὶ⊕ ἀμείβετ' ἀλλήλοισιν.

to free their Countrey from Slavery, they executed an *unwarranted* piece of Justice upon these *Ten Usurpers*, or *Ten Tarquins*, as Somebody then call'd them.

Lastly, The *States* have not a little been wanting to themselves, in the Affair of this
 H their

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their so *Ancient and Fundamental Prerogative.*
One Principal Cause (amongst many others)
has been their *Differences about Religion.*

For the *Protestants* being sure to be out-voted in the Diet, think they can barter with *Cesar* for better Conditions. And are therefore well enough content that the *Yearly Assembly* be neglected.

In a word, the *German Diet* is still on the same foot, rather incumber'd, and clogg'd, and puzzled, than destroy'd.

The *Parliament of France* seems quite antiquated and subdu'd; the Ghost and Shadow of the Defunct has appeared three or four times since *Lewis the Eleventh*. But to revive that *Assembly* in its full and perfect Vigour, requires a Miracle like the Resurrection.

So that in effect, we may date the Demise of *Parliamentary Sovereignty in France*, from *Lewis the Eleventh*; and the Decay of that in *Germany* from *Charles the Fifth*.

It is in *England* onely, that the *Ancient, Generous, and Manly Government* survives; and continues in its Original Lustre and Perfection.

Were there not something in that Saying of the Emperor, *Maximilian*, that the *French King*

King is a King of Asses; yet however that same *Legereté*, on which the *French* so value themselves, is but, in plain *English*, a *Lightness of Humour*, by which they are easily piped into any New Mode of Government.

But our *English* Ancestors have always been of a more Steady Principle, more wise, and more weigh'd, than to dance after their Politicks.

The *Reformation of Religion* leaves no room at our Court, for Jesuitical Infection, so fatal to the *Germans*.

Nor, on the other hand, have we yet any *Swiss* Guards, or *Lewisses* for our Kings. Ours have still been true *English Original*, no *Copies* from the *French*.

Magna Charta, instead of being superannuated, renews and recovers its Pristine Strength and Athletick Vigor, by the *Petition of Right*, with our many other *Explanatory* or *Declaratory Statutes*. And the *Annual Parliament* is as well known to our Laws, as ever it had been famous amongst the Customs of *France* and *Germany*.

I have not formally answered many Objections that might be started; nor much regarded the single Instances of some Historians; and perhaps may be judged *Lame* in several Particulars that I have slighted.

Take all together, you may as easily find an Answer as raise a Scruple. But the short of what I would have said, is,

You are not to expect Truth from an *Historiographer-Royal*: it may drop from their Pen by chance; but the general Herd understand not their Business; they fill us with Story accidental, incoherent, without End, or Side, and never know the *Government* or *Policy* where they write.

Even the *Records* themselves are not always accurately worded.

The *Stile* of the *Court*, and a *Form* of Words, imposes upon many. *Names* are taken for *Things*, and *Ceremonies* for *Essentials*.

The *Civilians* are Vassals to a *Foreign Jurisdiction*. *Cesar*, the *Sword*, the *Military*, *Imperial* (or rather *Imperatorial*) *Discipline*, is to them for *Scepter* and *Civil Policy*. The *Germans*, *An. 1441.* were for excluding them from all Offices and Places of Trust. *Limneus l. 1. de Jure Publ.*

Our *Common Lawyers* are for comparing and measuring by their Rule, what is antecedent and above their Rules and Comparisons.

Christ's Kingdom is not of this World; nor ought the Divines *ωεξ[μα]δεν*, to meddle in this *Political Province*.

In the general Notion, *Monarchy* or *Kingly Government* is the most Easie, and the most Excellent. But Corruption coming into the World, neither the Sons of *Jupiter*, nor the Sons of *Hercules* found Perfection entailed upon them; nor were exempt from their share of Human Frailty. *Many* (says *Tasso*) are *Servants by fortune*, who are naturally *Princes*: some again, tho descended from an hundred *Kings*, are yet born to be *Slaves*; and (maugre all their high Race of Royal Progenitors) will be commanded, and governed, and managed by a *Minion*, or a *Mistress*. These are, really and indeed, *Slaves*; but are not judged such, because the *People*, who only look on the *Outside*, judge of *Mens Conditions*, as in *Plays*, where he is call'd a *King*, who, clad in *Purple*, and glittering with *Gold* and *Gems*, does personate *Agamemnon*: if he does not represent him well, he has the *Name of King* nevertheless; only 'tis said, the *King was out in his Part*, or, the *King acted his Part scurvily*.

And *Flavius Vopiscus*, in *Aurel. Cæs.* tells us, *Aurelius Cæsar dicebat, Colligunt se quatuor aut quinque, atque unum Concilium ad decipiendum Imperatorem capiunt; dicunt quod probandum sit; Imperator, qui domi clausus est, vera non novit, cogitur hoc tantum scire, quod*

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illi loquuntur; facit judices quos fieri non oportet; amovet à Republicâ, quos debebat retinere, quid multa? ut Dioclesianus ipse dicebat, Bonus, cautus, optimus vendidit Imperator.

Aurelius Cæsar was wont to say, Four or five get together about the Emperor; all their Consult is, how to cheat him; what they say, is to be Law; the Emperor, who is shut up from other Counsel, never knows the true State of things; but is forced to understand just so much only, as they tell him; he makes Judges, who the least of all should be so; turns out of Commission those who ought to be the Quorum, in a word (according to Dioclesian's Saying) the Emperor, so good, so wary, and so too too good, is bought and sold before his Face.

If then it be true, that he who is of Royal Extraction, clad in Purple, and called a King, is not always naturally such; it was Wisdom, certainly most seasonable, to find the Means that might correct, and (as it were) ensure Nature against the Impotence and Tyranny of the Minion or Mistress which Tasso mentions.

And if the Observation of Aurelius Cæsar be just, that Cabals are so pernicious; and that four or five Persons, who get the Prince into their hands and possession, shall abuse, and cheat, and betray him to his Face, in spite of all his Goodness, his Caution, and Royal Vertues; if, I say, these things be
true,

true, the Necessity of *Parliaments* cannot be disputed. *Homer* reckons it *Barbarity* in the Degree remotest from all things of God and Goodness, and a *Cyclopean Presumption*, to rule without Parliaments.

Old *Hesiod*, in his homely way, gives an Ænigmatical Reproof to those Kings that would be grasping all, and become so absolute,

Δήτιοι ἔδ' ἴσασιν ὅσῳ πλέον ἡμισυ πάντῃ,
 Οἷδ' ἔλον ἐν μαλάχῃ τε καὶ ἀσφοδίῳ μεγ' ὄνειρα.

as if he had said, *These Fools know not how much more Half is than the Whole; and that a Shoulder of Mutton, with the Love of the People, is more worth than the Ragousts, and the Hautgousts, and all the French Kickshaws whatsoever.*

Plato tells us, that even in *Asia*, they who performed any great Achievements, or enlarged the *Empire*, were those (as the *grand Cyrus*, for example) who slackened the *Prerogative*, and admitted the *People* to a share in the *Government*.

But such as *Cambyfes*, who against all Sense and Reason stretcht and strutted upon the τὸ δεσποικόν, the *Lordly Domination*, brought all again into *Confusion* and *Ruine*.

Amongst

Amongst the *Latines*, even the Founder of the *Roman* Name, *Romulus*, because he took upon himself an *Arbitrary Power*, to Rule without the *Senate*, they (it is thought) tore him to Pieces, infomuch that they left nothing of his Body for a Spectacle to the Rabble; as afterwards their Successors unluckily did, who kill'd *Cesar*.

The *Imperial Power* that began with the *Cæsars*, was only *Magnum Latrocinium*, one huge horrid *Oppression*. Military Government, Martial Law, Barbarous Nations, *Goths* and *Vandals*, over-ran and mad havock of the old *Civil Roman Empire*.

In *Britain*, *Gaul* and *Germany*, all this while *Liberty* and a *Participation* in the Government, was the Common Right and Inheritance unalienable; the *Common Council* was the Basis and Hinge, however the Administration roll'd.

Afterwards, when *Germany* gave us People, it gave us a *German* and *Free People*.

About *An. Dom.* 800. *Charlemain* (or *Charles the Great*) united *France* and *Germany* under one Head, and one Empire; all Histories are full of his Reign and Actions: he rul'd *more solenni, secundum morem*, in the Old Customary *Parliamentary* way every where.

The Nations round about submitted and took Laws from him; and he submitted all again to the (*ordinatum*) *Ordinance of Parliament*. An *Annual Parliament* was then reckon'd the *Custom*, and inviolable *Right* of the People.

And thus the *Affairs of State* proceeded, and this Scheme of Government continued in *Germany*, till the late unhappy Divisions about *Religion*, weakening and embroyling the *States*, gave way to the *Austrian* Ambition, new Projects, and Jesuitical Artifice; so that the *Assembly of the States*, at this day, keeps on foot (indeed) but is sick, heavy, and unweildy.

The *French* Court had much sooner learnt the *Terms de proprio Motu, & potestate absolutâ*, by their Neighbourhood and Correspondence with the Pope at *Avignon*. But so long as the *English* Arms kept them in mind of their Mortality, it was no time for them to think of ruling *without a Parliament*.

But when *Charles* the Seventh had sent home the *English*, *Lewis* the Eleventh, with (*Olivier le diable*) his Barbers and his Cut-throat Devils, thought no Attempt too wicked for them. He (forsooth) was *hors du page*; he wanted not to be *led*, he was past an *Infant*; and a loud Out-cry he made against the unmannerly, clump-fisted, bumpkin Parliament. But when the *Bien Publique*

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or *War for the Publick Good*, hindred him from bringing about his Design openly and directly, he compass'd it, in effect, by slighting the *Militia*, and laying his Project of a *Standing Army*.

In *England* we have also heard of Minions, and Mistresses, and Cabals; and have had unhappy Princes. But the *Laws* and *Old Customs* of the Land, the *Generosity* of the People, and the *Genius* of the Nation, have still prevailed, and been too strong for all their Practices and Machinations.

When the *Normans* came to the Crown, after some Years of Ease and Prosperity, they began to forget on what Conditions they had entred. *Conquest* was a short, a compendious Title, and without Intricacy. And now likewise the *Church-men* were every where agog for changing the Government, both of Church and State, into an *Absolute Monarchy*. But the best on't was, the Pretences were visible and notorious. Besides that the *Temporal* and *Spiritual*, the *Prince* and the *Prelatical Lord* could not agree who should be *Supreme*. Which Differences gave breath to the People, and put into their hands an Opportunity to assert their ancient just Rights, and bottom all upon the *Parliament* again.

And now, since the *Great Charter*, and *Petition of Right*, and the many other Declarations, what can hurt us?

Neither

Neither the *Gunpowder-Treason*, nor the late more *sacred* Invention of a *Pensioned Parliament* could take effect.

No room is left amongst us for a *Standing Army*, which enslaved the *French*. And (our *Franc-Archers*) our *Militia* continues after the Old Model.

Nor with us, as in *Germany*, is the *Papist* like to bear up against, and balance our *Protestant* Votes in *Parliament*; thereby to render the Constitution useleſs and unpracticable.

And it may be hoped, we ſhall never ſo far give way, and be gull'd by Jeſuitical Artifice, as to find *another Division in Religion* amongst us, that may favour their Deſigns, and, under *other Names*, do their Work as compleatly.

You need not be caution'd to diſtinguiſh *Plato* the Divine, from *Plato* the Philoſopher. Poets and Divines, you know, have a particular way of Expreſſion, and give their Thoughts a Turn different from that of other People. They attribute every thing to *God*, tho' the whole Operation and Train of Cauſes and Proceedings be never ſo natural and plain before their Face; the Images they make are often taken in the groſſeſt Senſe, and worſhipped by the Vulgar, and many times the *Statesman* is willing to contribute to
I 2 their

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their Idolatry. Hence it comes, that for the *Persians*, *Zoroaster* was said to receive his Laws from *Horomasis*; *Trismegistus*, for the *Aegyptians*, from *Mercury*; *Minos*, for the *Cretans*, from *Jupiter*; *Charondas*, for the *Carthaginians*, from *Saturn*; *Lycurgus*, for the *Lacedemonians*, from *Apollo*; *Draco* and *Solon*, for the *Athenians*, from *Minerva*; *Numa Pompilius*, for the *Romans*, from *Ageria*; *Xamolxis*, for the *Scythians*, from *Vesta*; and all these as truly, as *Mahomet* had his *Alcoran* from the Angel *Gabriel*.

This sort of Doctrine went current enough whilst *Monkery* and *Ignorance* sat in the Chair; but now, in an Age of *History* and *Human Reason*, those blind Traditions go hardly down with us. So that *Jure Divino* at this day makes but a very litigious Title.

Nor was it consistent with the Brevity of a Letter, to observe minutely how long the Remains of the *Roman Domination* continued amongst us; as, namely, That the *Roman* was the onely *Authentick Language*, for Judicial Matters, in *Germany*, till the Reign of *Rudolph* the first, about the Year 1287. in *England* till *Edward* the Third, in *France* till *Francis* the First.

But in *Church-Affairs*, the old Mark of Slavery is not yet worn off; the *Spiritual Emperor* will remit nothing, he still holds his *Vassals* to the *Roman Tongue*, even in *Divine Service*;

vice; onely in *England*, and where *Reformation* has prevailed, this, with the other Appurtenances of *Roman Bondage*, are no longer necessary.

Nor is it proper, in this general Draught, to reflect on all the several Steps, and little Dispositions to Change, in each Nation. As how sometimes a *Practice* has prevailed against the *Form and Letter*; sometimes the *Form of Words* has been necessary, but the *Practice* obsolete. The Use in *Commissions* of the Phrase, *pour enjoyr tant qu'il nous plaira*, was not known in *France* till *Lewis* the Eleventh try'd its Virtue; which occasioned their *Parliament*, Anno 1467. to ordain that, notwithstanding the Clause *tant qu'il nous plaira*, Offices should not be void, save only by *Death*, *Resignation*, or *Forfeiture*; as *Pasquier* in his *Recherches* informs us.

But peradventure, since it has been so much controverted of late amongst us, *Who are the Three Estates?* and the Word occurring so frequently in the *German Tongue*, you may expect some Account who they be, that have the Name of *States* in *Germany*.

They express the word *States* in their own Language, and call them *Stands* and *Reichsstands*, because, says *Goldastus*, the Empire stands and rests upon them, as upon its Basis and Pillars. *Status Imperii dicantur, quod in illis, ceu membris, id est, basibus & columnis, ipsum Imperium stet & subsistat.* Those

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Those are said to be *Stands*, who have the Right to Sit and *Vote* in the *Common Assembly* of the Empire. *Hi quidem status, Reichsstands appellantur, ideo, quod statum & locum votandi & sedendi in Comitias Imperii habent; hæc quippe unicâ & propriâ quasi notâ, status ab aliis Imperii subjectis secernuntur, Arumæus, c. 4. de Comitiiis.* So that all the question is, how many several Ranks, or distinct Orders, there may be of these *Stands*.

From *Polybius* we have had a particular account of *mixt Governments*, where he calls those that represent the *Monarchical*, the *Aristocratical*, and the *Popular State*, *Τρία μὲν τὰ κατέλινα τῆς πολιτείας, The Three governing parts of the Commonwealth.* So the *King*, the *Senate*, and the *Ephori* at *Sparta*; the *Consuls* and *Senate*, and the *Tribunes* at *Rome*; were the *Three States*, and had each their particular Shares in the Government.

The like seems to have obtained in *France*, under the Names of the *King*, the *Peers*, and the *Third State*. Nor did the Power of the Clergy, how great soever otherwise, make any new distinct Order, but were mixt and included with the other *States*; as their Learned Archbishop *Claude Seiffelle*, in his Treatise of the *French Monarchy*, shows us.

In *Germany* how the Government has been Shared, and who have had a Right of *Voting*
in

in old Times, we may learn from what has before been Cited out of *Tacitus*; the *Rex*, the *Principes*, and the *Omnes*, denote the *Three States*, who had their several Shares, and Right of *Voting* in the Government.

The same Distinction continued still under the Western Empire. *Hincmar*, at the yearly *Assembly*, or *generale placitum* under *Charlemain*, does comprehend all under the Terms of *Seniores* and *Minores*. So that the *Emperor*, the *Seniors*, and the *Commons*, seem to have been the *Three States*.

Senior (which the *Germans* exprest in their *Ealdermen*) we may suppose, was a word grew currant in the *Provincial*, or vulgar *Roman* about that time; and afterwards was diversified into *Sieur*, and *Sire*, and *Sir*, and *Monsignior*, and *Monsieur*, and was ordinarily applied to Men in great Office. *Cum Seniori urbis nunciata fuissent*, &c. *Seniores loci illius*, &c. *Nihil per me feci, nisi quae mihi, à Dominis nostris & Senioribus Imperata sunt*, &c. *Tempore Senioris nostri*, &c. *ex parte Senioris mei Caroli*, &c. These and the like Passages, in *Gregory Turonensis*, way show the Extent of the Word, and that the *Seniores* in *Hincmar*, were the same with *Principes* in *Tacitus*. Nor did the *Signiories* become Hereditary till *Otho* the first his Reign.

But what most affected the Government, and prov'd of greatest Consequence in this Affair, was, the Innovation that happened in *Frederic* the Third his time: for whereas formerly a *Proclamation* was wont to be issued out, for summoning the *Assembly*, whereupon, *Delecti ex singulis Civitatibus*, says *Aymoinus* from every *Town* and *City* were chosen the *Burgesses* and *Citizens* to go their *Representatives* to the *Assembly*. Now so many, griev'd at the Charge, neglected the *Proclamations*, that oftentimes the *Assembly* could not proceed for want of a competent Number of Members. Wherefore *Frederic* let the *Proclamation* alone, and instead thereof, sent particular *Letters* to the several *Towns*; and henceforward none took themselves obliged to attend, who had not *Letters* directed to them. Many of the poorer *Towns* were glad to be excused, and private *Gentlemen* left off going: so that within a little time the *Government* was brought into a few *Hands*, and every day rendred less and less *Popular*. Those *Cities* that preserved their Share in the *Government*, and Right of *Voting*, by continuing to send their *Representatives* to the *Assembly*, are now therefore called *Imperial Cities*.

Although the *Electoral Princes* had a Name, much sooner, yet were they still one and the same *State* with the other *Princes*, till under this *Frederic*, in the *Diet* at *Frankford*, An. 1489. they parted, and became a *Particular Assembly*,
and

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and Voted severally, and from that time got
the Name of a *Distinct State*, and form'd a
new sort of an *Aristocracy* by themselves.

Yet all this while the *Clergy* did never set
up for a separate Order in the Common-
wealth, but always made a *mixt State* with
the *Laity*: *mixt* they are in the *Electoral State*,
and *mixt* in that of the *Princes*, where the
Geistlicher and *Weltlicher*, Ghostly and Worldly
(as they call 'em) together with the *Counts*,
Barons, and other *Gentlemen*, make but *one*
State. They have indeed a particular *Bench*
(*die geistliche Bank*) to sit upon by themselves,
save that the Arch-Duke of *Austria*, and
Duke of *Burgundy*, only sit upon it above
them.

Now whether we fix our Notion of the
Three States upon the Doctrine of the Ancients,
as delivered by *Polybius*; or call them *the States*,
who have *Right of Voting*; The *Emperor* is
clearly one of the *States*. Nor is it material
that the ordinary Stile and Form of Words
seem to imply the contrary: for if the Saying,
Emperor and the States, argues the *Emperor*
himself to be none of the *States*, by the
same Reason the Form so frequent in their
Recesses or Publick Ordinances, *chur fursten*,
fursten, und Standen, that is, *Electo-Princes*,
Princes, and *States*, will exclude the *Electors*,

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and the other *Princes* also, from being either of
them *States*.

The Form *Emperor* and *States*, does no
more prove him to be *none* of the *States*, than
with us the saying *King* and *Parliament*, does
imply, that the *King* is *no* part of the *Par-*
liament.

I shall not trouble you with the Disputes,
what were the Boundaries of *Anstrasia* and
Newstria, or whether by the Devolution of
this *Western Empire*, *Germany* was added to
France, or *France* to *Germany*. Or whether
more properly *Charlemain* be to be reckoned
amongst the *French* or the *Germans*. His ha-
ving been born at *Ingelsheim*, as most affirm ;
or at *Carolsburg* in the *Upper Bavaria*, as many
believe ; and his speaking the *German Tongue*,
with this Testimony of *Eginhardus*, viz. *Men-*
sibus juxta patriam linguam nomina imposuit ;
cum ante id tempus apud Francos partim Latinis,
partim Barbaris nominibus appellarentur, Janua-
rium appellavit Wintermonat, Februarium Hor-
ning, Martium Lenkmonat, &c. These, I
say, are urged by the *Germans*, as no mean
Arguments. But these Matters concern not
our Enquiry.

If

If you cannot reconcile the *Emperor's* being somwhere said to be *Sacri Imperii Minister*, and elfewhere declared to have *no Superiour, nisi Deum & Ensem*, but *God and the Sword*; *Bartolus* tells you, *De verbis non curat Jurisconsultus*. The *Intention* is to be regarded before the *Words*. The *Intention* of the States in that Declaration, *Anno 1338*. was none other than to exclude the wild *Pretensions* of the *Pope*; to deny a *Foreign Jurisdiction*; not to contess or introduce any *New Subjection* in themselves: *Limitata ex certâ causâ confessio non nisi limitatum producat effectum*.

But I cannot conclude without some Reflection on these *Frauds a-la-mode*, the *Ruse* and *Fineness*, which the *French* so loudly boast at this day. *Lewis* the Eleventh would not have his Son learn more *Latine* than *Qui nescit dissimulare, nescit regnare*. The old *Romans* had another sort of Spirit; we are told in *Livy*, *Hæc Romana esse. Non versutiarum Punicarum, neque calliditatis Græcæ — apud quos fallere hostem gloriosius — dolo quam virtute: 'tis like a Roman*, to deal openly and roundly; not to practise the *Carthaginian Leger-de-main Tricks*, or *Grecian Cunning*, whose Glory is to circumvent, and by Fraud not Vertue overcome an Enemy.

The *Venetians* at this day are commended for the same Style. *Il procedere veramente Regio negli affari publici, il negoziare saldo, e libero, e senza artificio, o duplicita; non mascherato, non finto, ma sincero, e del tutto alieno da ogni dissimulazione e fallacia.* Their Proceedings in Publick Affairs (says our Author) is truly Royal; they negotiate upon the square, frankly, and without Artifice or Double-dealing, not disguised, or upon the Sham; but sincere, and every way far from all Dissembling and Tricks.

And indeed the *Bugie* and *Inganni*, and little *Italian Shifts*, would better become Duke *Valentine* and the *Petty Princes*, than any *Kingdom* or *Commonwealth* of True Strength and Solid Reputation.

The *σοφισματα* and the *περσασεις*, the *Sophistries* and *State-Pretences* of this kind, however furbish'd up and gloss'd over of late by our Politick Brokers, were all Stale Cheats, and worn out even in *Aristotle's* time.

Thus have I hinted Matters to you, and only touch'd upon General Heads, without anticipating your own Reflections and Applications.

I have

I have not treated you like Stranger, but as one thorowly Informed before-hand, and as one to whom all those Difficulties are Familiar, which I can only discover at a great Distance.

And after all, I must fly from your Judgment, to your God-Nature.

Yours, &c.

F I N I S.

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